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5 Attorney for Defendant  
6 ANTHONY McGEE

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

No. CR 12-0052 EMC

11  
12 Plaintiff,

**STIPULATION AND PROPOSED  
ORDER CONTINUING STATUS  
HEARING**

13 v.

14 ANTHONY McGEE,

15 Defendant /

16  
17 IT IS HEREBY STIPULATED that the status hearing currently scheduled for April 25,  
18 2012 at 2:30 p.m. may be vacated and continued to May 9, 2012 at 2:30 p.m. Counsel for the  
19 defendant will be unavailable as he will be in trial in state court.

20 The parties further stipulate and move for an exclusion of time under the Speedy Trial  
21 Act, 18 U.S.C. § 3161(b), from April 23, 2012 to May 9, 2012. The parties agree, and the Court  
22 finds and holds, as follows:

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24 1. The defendant by and through his attorney, Erik Babcock, Esq., need additional  
25 time to investigate the case and effectively to prepare a defense to the charges, and counsel is  
26 expected to be unavailable on April 25, 2012. .

27 2. The defendant agrees to an exclusion of time under the Speedy Trial Act.  
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1 Failure to grant the requested continuance would unreasonably deny defense counsel  
2 reasonable time necessary for effective preparation, taking into account the exercise of  
3 due diligence.

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5 3. Given these circumstances, the Court hereby continues the status hearing  
6 currently set for April 25, 2012 to May 9, 2012. The Court hereby also finds that the  
7 ends of justice served by excluding the period from April 25, 2012 to May 9, 2012  
8 outweigh the best interest of the public and the defendant in a speedy trial. §  
9 3161(h)(8)(A).

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11 4. Accordingly, and with the consent of the defendant, the Court orders that the  
12 currently scheduled hearing date of April 25, 2012 is vacated, that parties appear for a  
13 status conference on May 9, 2012, and that the period from April 25, 2012 to May 9, 2012 be  
14 excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) &  
15 (B)(iv).

16 **SO STIPULATED.**

17  
18 DATED: April 17, 2012

MELINDA HAAG  
United States Attorney

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20 By: /S/Robert David Rees  
21 ROBERT DAVID REES  
22 Assistant United States Attorney

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DATED: April 17, 2012

By: /S/Erik Babcock  
ERIK BABCOCK  
Counsel for Defendant

**IT IS SO ORDERED.**

DATED: April 17, 2012

